

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EMPIRE STATE CARPENTERS WELFARE,  
PENSION, ANNUITY, APPRENTICESHIP,  
CHARITABLE TRUST, LABOR  
MANAGEMENT CORPORATION, and  
SCHOLARSHIP FUNDS, and their BOARD  
OF TRUSTEES,

Plaintiffs,

- against -

LEVI G. MITCHENER d/b/a MITCHENER  
CONSTRUCTION,

Defendant.  
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**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 30 2012 ★

LONG ISLAND OFFICE

**DEFAULT JUDGMENT**  
CV-10-3030 (ADS)(ETB)

An Order of Honorable Arthur D. Spatt, United States District Judge, having been filed on May 24, 2012, adopting in its entirety the April 25, 2012 Report and Recommendation of Magistrate Judge E. Thomas Boyle, directing the Clerk of Court to enter a default judgment against the defendant in the amounts recommended by Judge Boyle, and further directing the Clerk of Court to close this case, it is

**ORDERED AND ADJUDGED** that default judgment is entered against defendant Levi G. Mitchener d/b/a Mitchener Construction; that plaintiffs are awarded damages as follows: (1) unpaid employee benefit contributions in the amount of \$58,148.41; (2) interest through April 25, 2012 in the amount of \$34,443.08, plus additional interest in the amount of \$633.40; (3) audit fees in the amount of \$5,805.83; (4) liquidated damages in the amount of \$5,814.84; (5) post-judgment interest, to be calculated pursuant to 28 U.S.C. § 1961; (6) attorney's fees in the amount of \$3,583.50; and (7) costs in the amount of \$770.81, for a total monetary award of \$109,181.31, plus additional post-judgment interest, as set forth above; and that this case is hereby closed.

Dated: Central Islip, New York  
May 30, 2012

DOUGLAS C. PALMER  
CLERK OF THE COURT

By: /s/ Catherine Vukovich  
Deputy Clerk